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COUNTY OF SAN LUIS OBISPO DEPARTMENT OF PLANNING AND BUILDING STAFF REPORT

Board of Supervisors

MEETING DATE November 1, 2016	CONTACT/PHONE Terry Wahler, 781-5621	APPLICANT Schroeder Trust	FILE NO. AGP2015-00006
SUBJECT Proposal by Schroeder Trust to amend an existing Agricultural Preserve to alter the boundaries and decrease the minimum parcel size for conveyance of parcels from 640 acres to 320, to enable the landowner to rescind two existing Land Conservation Contracts and enter into a new Land Conservation Contract to reflect revised property boundaries from a lot line adjustment. The parcel consists of approximately 402 acres within the Agriculture land use category and is located on both sides of Tucker Canyon Road, approximately 1.5 miles northeast of Shandon San Juan Road, and approximately 2.5 miles southeast of the community of Shandon. The site is in the Shandon-Carrizo Sub-area of the North County Planning Area.			
RECOMMENDED ACTION The Agricultural Preserve Review Committee and Planning Commission recommend approval of this request to amend an agricultural preserve to the Board of Supervisors as follows: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> Preserve Designation: Minimum Parcel Size : Minimum Term of Contract: </div> <div style="width: 50%;"> Shandon Agricultural Preserve No. 1, Amendment No. 17 320 Acres Remaining term of existing contract (10 years) </div> </div>			
ENVIRONMENTAL DETERMINATION Categorical Exemption (Class 17) ED15-196.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Renewable Energy	ASSESSOR PARCEL NUMBER 017-261-021 (portion)	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: None Applicable		LAND USE ORDINANCE STANDARDS: Section 22.22.040 – Minimum parcel size for agriculture category (new agricultural preserves)	
EXISTING USES: Cattle grazing, bee keeping			
SURROUNDING LAND USE CATEGORIES AND USES: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> North: Agriculture/ Cattle grazing South: Agriculture/ Cattle grazing </div> <div style="width: 50%;"> East: Agriculture/ Cattle grazing West: Agriculture/ Cattle grazing </div> </div>			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: None			
TOPOGRAPHY: Gently to steeply sloping		VEGETATION: Grasses	
PROPOSED SERVICES: None required		ACCEPTANCE DATE: February 25, 2016	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ■■■ SAN LUIS OBISPO ■■■ CALIFORNIA 93408 ■■■ (805) 781-5600 ■■■ FAX: (805) 781-1242			

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PROJECT REVIEW

Background

The subject parcel (Parcel 2 of COAL 15-0074/SUB2015-00030) and the parcel to the south/southeast (Parcel 1), both owned by O & D Schroeder Residual Trust, are the subject of a proposed lot line adjustment. The lot line adjustment is a result of a court-ordered family distribution of a family ranch.

The subject property is located within the Shandon Agricultural Preserve No. 1 established on July 19, 1972 by Resolution No. 71-319. The property subject to the lot line adjustment includes the 3 following Land Conservation Contracts:

- 1) Document No. 4632, Book 1653, Pages 335 through 350 inclusive, recorded on 2/14/1972
- 2) Document No. 4633, Book 1653, Pages 351 through 367 inclusive, recorded on 2/14/1972
- 3) Document No. 4728, Book 1653, Pages 670 through 686 inclusive, recorded on 2/15/1972

This application (AGP2015-00006) reflecting Parcel 2 of the lot line adjustment includes portions of the two Land Conservation Contracts listed above as items 1 & 2.

The amendment to Shandon Agricultural Preserve No.1 (which covers many properties throughout the area surrounding the community of Shandon) is necessary because the new parcels resulting from the lot line adjustment will be smaller than the 640 acre minimum parcel size provision currently effective in both the Agricultural Preserve and the effective Land Conservation Contracts. The amended agricultural preserve (for Parcel 2) will function as a separate and updated agricultural preserve reflecting the new minimum parcel size (320 acres) replacing the old minimum parcel size of 640 acres. (The amended Rules of Procedure to Implement the California Land Conservation Act of 1965 replaced the 640 acre minimum parcel size for grazing land with a minimum parcel size of 320 acres in keeping with the Land Use Ordinance minimum parcel size for Agricultural land division.) An amendment to alter the boundaries of the Agricultural Preserve is also necessary to distinguish the new amended preserve from the rest of Shandon Agricultural Preserve No. 1.

A new replacement contract is necessary because the Government Code (Williamson Act) requires new contracts to be entered into when contracted land is subject to lot line adjustment. Also, the legal description for the agricultural preserve and contract must match the legal description for the new parcel.

Site and Area Characteristics

A large portion of Parcel 2 is located on moderate to steep slopes containing mostly grass land on Class 4 and Class 7 soils. The hillsides are generally Class 7 and the valleys below contain Class 2 irrigated/Class 4 non-irrigated and Class 4 irrigated/Class 4 non-irrigated soils.

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The property has no residences or accessory structures at this time. There are wells on the property to provide a water source for cattle. The landowner currently leases the land for cattle grazing. The lease typically runs about 40 head of cattle on the property. Surrounding agriculturally zoned properties are also primarily used for cattle grazing.

The following table shows the Natural Resources Conservation Service soils rating of the site:

Land Capability Class		Rangeland suitability	Grazing	Homesites & barns	Acres
If Irrigated	Non-Irrigated				
2	4	well suited	48	na	48
4	4	well suited	147	na	147
7	7	moderately to poorly suited	207	na	207
Totals			402		402

Exhibit A shows the location, topography, and land use designations of the site and adjacent properties.

Compliance with the Williamson Act and the Rules of Procedure

The Rules of Procedure state that a property must first be under an Agricultural Preserve in order to qualify for a land conservation contract as an individual property. In this case the property is already under an agricultural preserve. However, the existing agricultural preserve boundaries and minimum parcel size for conveyance are being amended so the proposed parcel was reviewed for consistency with currently eligibility standards (Parcel 2 of the lot line adjustment).

Qualifying for an Agricultural Preserve

The property meets the current eligibility requirements for a Range Land Agricultural Preserve with over 320 acres of gross acreage and over 100 acres (195 acres) of Class 4 soil listed as “well suited” as range land.

Qualifying for a Land Conservation Contract

The property is also eligible for a (replacement) Land Conservation Contract because it exceeds the minimum 320 acres required for range land contracts on 6 and 7 (or better) soils and has well over 100 acres (195 acres) of Class 4 soil listed as “well suited” as range land by the Natural Resources Conservation Service.

The appropriate minimum parcel size for the Agricultural Preserve and Land Conservation Contract is 320 acres and the appropriate minimum term of contract is 10 years because the site is currently under contract with a 10 year term.

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Agricultural Preserve Review Committee

The following is an excerpt from the Minutes of the Regular Meeting of the Agricultural Preserve Review Committee held on March 7, 2016 at the SLO County Board of Supervisors Chambers, County Government Center, 1055 Monterey Street, Room D170, in San Luis Obispo, California, at 1:30 p.m.

Irv McMillian: recuses himself from this item.

Terry Wahler, staff: presents staff report and a Power Point presentation.

Committee members: discuss the request and begin their deliberations.

Bill Robeson, Chairman: opens Public Comment with no one coming forward.

Thereafter, on motion of Hugh Pitts, seconded by Don Warden and on the following roll call vote:

AYES: Hugh Pitts, Don Warden, Dick Nock, Lynda Auchinachie, Ross Felthousen,
Paul Hoover, Bill Robeson, and Royce Larson
NOES: Robert Sparling
ABSENT: Jennifer Anderson, Kaila Dettman, Lynn Moody

The Review Committee moved to recommend the Board of Supervisors approve this request to amend an existing Agricultural Preserve to alter the boundaries and decrease the minimum parcel size for conveyance of parcels from 640 acres to 320, and to rescind two existing Land Conservation Contracts and enter into a new Land Conservation Contract. Preserve Designation: Shandon Agricultural Preserve No. 1, Amendment No. 17. Minimum parcel size: 320 acres. Minimum term of contract: Remaining term of existing contract (10 years).

RECOMMENDATIONS

The Agricultural Preserve Review Committee and Planning Commission recommend approval of this request to amend an agricultural preserve to the Board of Supervisors as follows:

Preserve Designation: Shandon Agricultural Preserve No. 1, Amendment No. 17

Minimum Parcel Size: 320 Acres

Minimum Term of Contract: Remaining term of existing contract (10 years)

FINDINGS

- A. The proposed amendment of this agricultural preserve is consistent with the San Luis Obispo County General Plan, including the Land Use Element, the Agriculture Element, the Conservation and Open Space Element, and the County's Rules of Procedure to Implement the California Land Conservation Act of 1965 since the preserve is being adjusted to reflect new property boundaries and the agricultural land uses and agricultural productivity will be unchanged.

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- B.** The proposed amendment of this agricultural preserve is appropriate and consistent with the rural character of the surrounding area.
- C.** The new contract will enforceably restrict the adjusted boundaries of the newly configured parcel for a minimum of ten years.
- D.** There is no net decrease in the amount of acreage restricted by land conservation contract.
- E.** The new contract for the resulting parcel will consist of at least 90 percent of the land under the former contract.
- F.** The parcel of land after the adjustment will be large enough to sustain the current agricultural use.
- G.** The lot line adjustment will not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to contract.
- H.** The lot line adjustment will not be likely to result in the removal of adjacent land from agricultural use.
- I.** The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

Report prepared by Terry Wahler, and reviewed By Karen Nall
Agricultural Preserve Program